

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

KATHY ARRISON and TRISTAN
SMITH,

Plaintiffs-Appellees,

-against-

WALMART INC. and WALMART
ASSOCIATES, INC.,

Defendants-Appellants.

No. 23-80065

D.C. No. 2:21-cv-00481-SMB
United States District Court for
the District of Arizona

**JOINT MOTION TO HOLD
APPEAL IN ABEYANCE**

Pursuant to Federal Rule of Appellate Procedure 27, Defendants-Appellants Walmart Inc. and Wal-Mart Associates, Inc. (“Walmart”) and Plaintiffs-Appellees Kathy Arrison and Tristan Smith (“Plaintiffs”) (collectively, the “parties”) hereby jointly move to hold in abeyance the above-captioned appeal, including all deadlines that pertain to Walmart’s Rule 23(f) petition, while the parties finalize settlement.

In support of this motion, the parties report that they have reached a settlement in principle. Plaintiffs expect to file a motion for preliminary approval of such settlement in the District Court within 45 days. The parties respectfully

request this appeal be held in abeyance to preserve the status quo while efforts to finalize and seek approval of the settlement are completed in the District Court. Abeyance will conserve this Court's resources and allow the parties to focus on finalizing the settlement. If the District Court finally approves the settlement and dismisses the action, this appeal will become moot and can be dismissed. If the District Court does not approve the settlement or if the settlement otherwise fails to be consummated, Walmart will request this Court remove the appeal from abeyance and consider its Rule 23(f) petition in due course.

Accordingly, the parties respectfully request the Court hold this appeal in abeyance pending efforts to consummate settlement and obtain approval in the District Court.

Dated: September 18, 2023

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BY. /s/ Gregory W. Knopp

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